



Entered on Docket
March 17, 2011

A handwritten signature in black ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

TIFFANY & BOSCO, P.A.
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Wells Fargo Bank, N.A.
09-71852

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In Re:

Brandon J. Clemons and Valorie N. Phelps

Debtors.

BK-S-09-13315-lbr

MS Motion No. 41
Date: February 2, 2011
Time: 10:30 a.m.

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefore,

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtors will cure the
2 post-petition arrearages currently due as follows:

3 2 Monthly Payments at \$1,660.45	\$3,320.90
4 (January 1, 2011 - February 1, 2011)	
5 1 Late Charges at \$71.70	\$71.70
6 (January 1, 2011 - January 1, 2011)	
7 Motion for Relief Filing Fee	\$150.00
8 Attorneys Fees	\$650.00
9 Suspense Amount	(\$104.14)
10 Total	\$4,088.46

11 The total arrearage shall be paid in six monthly installments. Payments in the
12 amount of \$681.41 shall be in addition to the regular monthly payment and shall be due on or
13 before the 20th day of the month commencing with the March 20, 2011 payment and continuing
14 throughout and concluding on or before August 20, 2011.

15 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtors shall resume
16 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
17 beginning with the March 1, 2011 payment, on Secured Creditor's Trust obligation, encumbering
18 the subject Property, generally described as 2775 Ascending Sun Lane , Las Vegas, NV 89142.

19 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtors fail to make
20 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
21 Creditor's obligation, allowing the normal grace period, then Secured Creditor may file and serve
22 upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition.
23 For each such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of
24 \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors
25 have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order
26 vacating the automatic stay as to Secured Creditor, and Secured Creditor may thereafter proceed
with enforcing its Security interest in the subject Property, pursuant to applicable State Law, and
take any action necessary to obtain complete possession thereof.


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1 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor
2 shall give Debtors at least seven business days' notice of the time, place and date of sale if the stay
3 is vacated.

4 Submitted by:

5 TIFFANY & BOSCO, P.A.

6
7 By


8 **GREGORY L. WILDE, ESQ.**
9 Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

10 APPROVED AS TO FORM & CONTENT:


11 Kathleen A. Leavitt

12 By

 3/11/11
13 Kathleen A. Leavitt
14 Chapter 13 Trustee
15 201 Las Vegas Blvd. So., #200
16 Las Vegas, NV 89101

Anthony Deluca

By


Anthony Deluca
Attorney for Debtors
5830 W. Flamingo Rd., #233
Las Vegas, NV 89103

Nevada Bar No. 006952

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
3 reflects the court's ruling and that (check one):

4 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

5 ☐ No party appeared at the hearing or filed an objection to the motion.

6 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
7 any trustee appointed in this case any unrepresented parties who appeared at the hearing,
8 and each has approved or disapproved the order, or failed to respond, as indicated below.

9 Debtor's counsel:

10 ☒ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☐ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☒ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☐ failed to respond to the document

17
18
19 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
20 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
21 order.

22 I declare under penalty and perjury that the foregoing is true and correct.

23 Submitted by:

24 /s/ Gregory L. Wilde, Esq.

25 Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor